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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

K.A.,

Plaintiff,

vs.

MINDGEEK S.A.R.L., et al.,

Defendants.

Case No. 2:24-cv-04786-WLH-ADS

**DECLARATION OF BERND
BERGMAIR IN SUPPORT OF
MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

Date: January 31, 2025

Time: 1:30 p.m.

Courtroom: 9B

Judge: Hon. Wesley L. Hsu

Complaint Filed: June 7, 2024

Trial Date: None Set

1 I, Bernd Bergmair, declare as follows:

2 1. I am a defendant in the above-captioned case. I submit this declaration
3 in support of my motion to dismiss the complaints in this case and the thirteen other
4 related cases filed by Plaintiff's counsel in this district set forth in my motion
5 (collectively, "Related Cases"). The complaint in each of the Related Cases
6 contains many inaccurate allegations regarding me, but I submit this declaration to
7 correct only those that bear on the issue of personal jurisdiction.
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10 2. I am a resident of Hong Kong, China. I do not reside or work in the
11 United States.
12

13 3. Based on the information provided in the complaints, I do not believe
14 I have ever met or had any dealings with any of the plaintiffs in the Related Cases.
15 Prior to the plaintiffs in these cases raising legal claims against the MindGeek group
16 of corporate entities (collectively, "MindGeek"), I was unaware of their existence
17 or of the fact that videos depicting them had allegedly been posted on MindGeek
18 websites.
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21 4. I am a private investor. When I invest in companies, I do not operate
22 them but entrust their management to senior executives who are experts in their
23 industry. During the period from 2013 to 2023, I pursued investments in numerous
24 companies in a wide range of industries.
25

26 5. From approximately October 2013 until March 2023, through various
27 holding companies, I was the ultimate beneficial owner of shares in the parent
28

1 companies of MindGeek. In March 2023, my holding companies sold all their
2 shares in MindGeek.

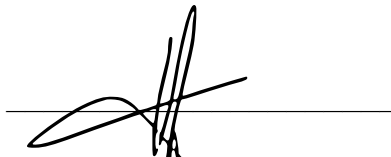
3 6. Consistent with my approach as an investor, during the time period
4 when I was an ultimate beneficial owner of part of the shares in MindGeek, I did
5 not direct MindGeek's day-to-day operations, nor did I set or approve MindGeek's
6 corporate policies and practices. The company was managed by a full-time senior
7 management team, which had been in place for several years before I invested in
8 the company.
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11 7. I did not adopt or maintain an "unrestricted content" business model
12 at MindGeek. At the time of my investment in MindGeek in 2013, I understood
13 that the company had a content moderation function in place. This function, along
14 with all other corporate functions, was overseen by MindGeek's management.
15 While a beneficial shareholder, I did not direct or implement MindGeek's content
16 moderation policies and practices, nor did I direct or implement the company's
17 response to media stories or other inquiries regarding its content moderation.
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21 8. I did not direct or discuss the production by MindGeek of non-
22 consensual content.

23 I declare under penalty of perjury under the laws of the United States
24 of America that the foregoing is true and correct.
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27 Date: October 30, 2024
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Bernd Bergamir

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